

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 22-8369-BER

UNITED STATES OF AMERICA

v.

Nicholas Deraway,

Defendant

/

CRIMINAL COVER SHEET

1. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek Maynard)? No
2. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to October 3, 2019 (Mag. Judge Jared Strauss)? No

Respectfully submitted,

JUAN ANTONIO GONZALEZ
UNITED STATES ATTORNEY

By:

Gregory Schiller

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UNITED STATES DISTRICT COURT
for the
Southern District of Florida

United States of America

v.

Nicholas Deraway

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Case No. 22-MJ-8369-BER

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 19, 2022 in the county of Palm Beach in the
Southern District of Florida, the defendant(s) violated:

Code Section

18 U.S.C. § 2252A(a)(5)(B) & (b)(2)
18 U.S.C. § 2250(a)

Offense Description

Possession of Child Pornography
Failure of a Sex Offender to Properly Register

FILED BY TM D.C.

Aug 19, 2022

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - West Palm Beach

This criminal complaint is based on these facts:

See attached Affidavit

Continued on the attached sheet.



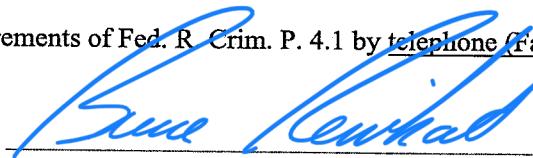
Complainant's signature

FBI Special Agent Gennady Julien

Printed name and title

Subscribed and sworn to before me in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone (FaceTime).

Date: 08/19/2022



Judge's signature

City and state: West Palm Beach, Florida

United States Magistrate Bruce E. Reinhart

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Special Agent Gennady Julien (the Affiant), been duly sworn, depose and state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”) and have been so employed since 2019. I am currently assigned to the Violent Crime Squad, and my duties include investigating violations of federal law. As part of my duties, I investigate crimes involving the sexual exploitation of minors including the production, possession, and distribution of child pornography. In that time, I have become familiar with the methods and means used by individuals engaging in violent crimes such as online sexual exploitation of children. I have conducted and assisted in several child exploitation investigations and have executed search warrants that have led to seizures of child pornography. I have received training in the area of child pornography and child exploitation and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in many forms of media. Moreover, I am a federal law enforcement officer who is engaged in enforcing the criminal laws, including 18 U.S.C. § 2250 and 2252A, and I am authorized by law to request a search warrant.

2. In this capacity, I have investigated child exploitation and internet crimes against children cases. I have participated in investigations of persons suspected of violating federal child pornography laws, including Title 18, United States Code, Sections 2251, 2252 and 2252A and those who fail to properly register as sex offender laws, including Title 18, United States Code, Sections 2250. These investigations have included the use of surveillance techniques, undercover activities, the interviewing of subjects and witnesses, and the planning and execution of arrest, search, and seizure warrants. In the course of these investigations, I have reviewed still images and videos containing child pornography and images depicting minor children engaged in sexually

explicit conduct on all forms of electronic media including computers, digital cameras, and wireless telephones, and have discussed and reviewed these materials with other law enforcement officers. I have also participated in training programs for the investigation and enforcement of federal child pornography laws relating to the use of computers for receiving, transmitting, and storing child pornography. In addition, I have received training in the field of computer crimes and Internet crimes investigations.

3. The facts set forth in this affidavit are based upon my personal knowledge, information obtained from others involved in this investigation, including other law enforcement officers, my review of documents and information gained through training and experience. Since this affidavit is being submitted for the limited purpose of establishing probable cause to support a Criminal Complaint, I have not included each and every fact known to me concerning this investigation. Rather, I have set forth only those facts I believe are necessary to establish probable cause to believe that NICHOLAS DERAWAY (hereinafter referred to as "DERAWAY") has violated Title 18, United States Code, Section 2252A(a)(5)(B) and (b)(2) on or about August 19, 2022 (possession of child pornography having previously been convicted of a federal violation of possession of child pornography, 18 U.S.C. § 2252(a)(4)(B) and (b)(2), and has violated Title 18, United States Code, Section 2250(a) on or between January 11, 2022 and August 19, 2022.

4. On February 16, 2022, the Delray Beach Police Department ("DBPD") was provided the first CyberTip¹ from the National Center of Missing and Exploited Children

¹ CyberTips are investigative leads generated by NCMEC. NCMEC is a non-profit organization that provides services nationwide for families and professionals in the prevention of abducted, endangered, and sexually exploited children. Pursuant to its mission and its congressional authorization (former 42 U.S.C. § 5773, now 34 U.S.C. § 11293) NCMEC operates the CyberTip line and Child Victim Identification Programs to assist law enforcement in identifying victims of child pornography and child sexual exploitation. NCMEC works with law enforcement, Internet Service Providers, electronic payment service providers, and others to reduce the distribution of child sexual exploitation images and videos over the Internet. NCMEC forwards reports of child sexual exploitation to law enforcement for the purposes of investigation and disposition.

(“NCMEC”) that a Google account user of thekillshirt@gmail.com had uploaded forty-two (42) images/videos alleged to depict child pornography or anime/drawing/hentai of children to their Google Drive account on January 11, 2022.

5. Google reported to NCMEC that the user’s name at the time of the uploads was listed as “Nicholas Meenachan” with date of birth January **, 1981, the email account was verified, and that the account had been logged into from IP address of 76.109.191.133 on June 16, 2021. The files of suspected child pornography were uploaded from two IP addresses, 76.109.181.133 and 2607:fb90:40e3:c4be:0:37:4412:4b01.

6. A second CyberTip was provided to DBPD regarding the upload of one additional child pornography file on January 12, 2022, to the Google Drive of thekillshirt@gmail.com from the same IP address, 76.109.181.133.

7. I reviewed the images and videos in the CyberTip reported by Google. While most of the files were animated, five (5) files featured what appeared to be real children photographed or video recorded as identified below:

- Filename: Google-CT-RPT-f82928772e8ffe494f0dbb1ae7af72a-4247FGEZk9AfMm5.mp4
IP Address: 2607:fb90:40e3:c4be:0:37:4412:4b01
Upload: 01-11-2022 22:39:14 UTC
Description: This is an approximately 20 second video portraying an adult male licking the exposed vagina of a nude prepubescent female.
- Filename: Google-CT-RPT-2e936a631a4a1fd28bcf2a14c30b3dbf-IMG_20220103_124110.jpg
IP Address: 76.109.181.133
Upload: 01-11-2022 23:36:11 UTC
Description: Image features a pre-pubescent female lying face down on a bed in a provocative manner. Pre-pubescent female is wearing only a t-shirt while the bottom half of her body is nude and exposed.
- Filename: Google-CT-RPT-222f43477effa241733e6d18a2939ce2-X11HO3FjplWgPTTT.mp4
IP Address: 2607:fb90:40e3:c4be:0:37:4412:4b01

Upload: 01-11-2022 22:39:02 UTC

Description: This is an approximately 22 second video portraying a pubescent white female nude in the shower. During the video, the pubescent female bends over, exposing her genitalia to the camera and proceeds to insert a finger into her vagina.

- Filename: Google-CT-RPT-b023d1d0f77e39660597f13e54fc6c5d-IMG_20211215_133332

IP Address: 76.109.181.133

Upload: 01-12-2022 00:03:19 (UTC)

Description: Image appears to be a pubescent white male sitting on a bed. Only bottom half of the victim can be seen where his penis is exposed.

- Filename: Google-CT-RPT-1b0ceff9283c3f4ec353dd6e35959234-IMG_20211217_114331.jpg (from CyberTip #117608745)

IP Address: 76.109.181.133

Upload: 01-12-2022 00:02:18 UTC

Description: Image features a pubescent male on his knees on a bed with no pants. Only his bottom half is showing, displaying his genitalia.

8. Pursuant to a subpoena return, Google provided that the thekillshirt@gmail.com

account was created on April 7, 2012, by a user who created the account with name “Nicholas Meenachan,” account number 729154305365.

9. Comcast owned IP address 76.109.181.133, and provided that the subscriber from November 2021 through May 2022 was Nicholas DERAWAY at the billing and service and address of 2755 West Atlantic Avenue, Apartment 101A, Delray Beach, Florida (hereinafter referred to as “The Residence”), with account number 8535114200391857, phone number 754-***-8855, and email address nicholasderaway3030@comcast.net.

10. T-Mobile provided that IP address 2607:fb90:40e3:c4be:0: 37:4412:4b01, utilized on January 11, 2022, at 22:39:14 UTC through January 12, 2022, at 00:37:49 UTC was assigned to the same 754-***-8855 phone number, which in turn was assigned to the subscriber Nicholas DERAWAY, with a previous address in Fort Lauderdale, Florida.

11. Florida Driver And Vehicle Information Database (“D.A.V.I.D.”) records provided DERAWAY, date of birth January **, 1981, had The Residence as his address, with the aforementioned Ft. Lauderdale address listed as a previous address from 2008. DERAWAY was also listed as a registered sexual offender.

12. On June 22, 2022, pursuant to a federal search warrant issued in the Southern District of Florida, Google provided the account content of thekillshirt@gmail.com. Review of the material provided by Google revealed a multitude of animated image and “gif” files, which featured adults, children, and animals engaged in sexual acts. Located within the Google Drive were the aforementioned child pornography files from the two CyberTips, as well as two additional files of child pornography. The additional files are as follows:

- Filename: IMG_20220103_12444-at-2022-01-11T23_36_03.145Z-unpinned
Description: Image features a prepubescent female laying on her back holding her legs, exposing her genitalia to the camera.
- Filename: 9EeWSIM9OUWjkMHA-at-2022-01-11T22_39_10.201Z-unpinned
Description: A pubescent female on her knees performs fellatio the penis of an adult male.

13. Located within the drive was a video file titled, “bossmaster 1,” which featured DERAWAY reviewing board games in front of a bookcase.

14. Google additionally provided a history of search queries conducted through the Google account thekillshirt@gmail.com. Specifically, Google reported the following “video queries” on December 5, 2013: “teenage girl shitting,” “naked teenage girl,” and “little girls sex.”

15. The Florida Department of Law Enforcement (“FDLE”) confirmed DERAWAY, a white male, date of birth January **, 1981, social security number ***-**-0596, 5’11” tall, 215 lbs, with brown hair, and green eyes, is a registered sex offender. He was previously convicted in the Southern District of Florida on September 7, 2004, for a violation of 18 U.S.C. § 2252(a)(4)(B)

and (b)(2) (possession of child pornography) with an offense date of March 8, 2004. According to the Federal Bureau of Prisons, DERAWAY was released from incarceration on May 16, 2008. He is currently registered as a Sexual Offender, residing at The Residence since June 20, 2011. His registration further lists his phone number as the same 754-***-8855 and his email address as nicholasderaway@gmail.com.

16. As a sexual offender under Florida law and as a Tier I offender under Federal law, DERAWAY is required every six (6) months to fill out, sign, and submit to the Sex Offender Registry, by and through the Palm Beach County Sheriff's Office ("PBSO"), the "FDLE Sexual Predator/Offender Registration Form" (hereinafter "The Form"). The Form states:

As a . . . sexual offender . . . I understand that I am required by law to abide by the following: . . . 4. Within 48 hours after using any electronic mail address or Internet identifier, I MUST report it using the online system maintained by the Florida Department of Law Enforcement or in person at the sheriff's office.

The Form defines Internet identifiers as "any designation, moniker, screen name, username, or other name used for self-identification to send or receive social Internet communication." The signature block on the last page of The Form appears under the following certification language:

As a . . . sexual offender (Florida Statute 943.0435, 944.607, or 985.4815), I am required by law to abide by the requirements listed on this form. BY SIGNING BELOW, I ACKNOWLEDGE THAT I HAVE READ OR HAVE BEEN READ THE REQUIREMENTS ON THIS FORM, AND THAT I UNDERSTAND THESE REQUIREMENTS. Under penalty of perjury I declare the above is true and correct.

17. DERAWAY re-registered as required on January 10, 2022, and on July 10, 2022, submitting these signed bi-annual reports on these respective dates. DERAWAY did not report "thekillshirt@gmail.com" to PBSO on either of these forms as required by Federal law within ten

days after creating the account, or any time thereafter. DERAWAY only reported an email address of “nicholasderaway@gmail.com” and no other.

18. On August 19, 2022, I, along with other FBI personnel, executed a lawfully obtained federal search warrant from a Federal Magistrate Judge issued in the Southern District of Florida, at The Residence and on the person of DERAWAY.

19. During the execution of the search warrant, fourteen (14) digital items were discovered in the residence, including two tablets, a hard drive, a desktop computer, two phones, a laptop, and multiple flash drives. Agents also discovered a Nikon XLR digital camera with a 16GB SD Card sitting above the laptop. The desktop computer had stickers on it displaying sexual anime of females. A review of the lock screen on a phone found on DERAWAY, discovered sexual anime evidencing a penis.

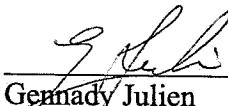
20. FBI Computer Analysis Response Team (CART) personnel conducted an onsite preview of several devices. One of the devices, a 500 gigabyte red Seagate external hard drive with serial #NA01TTSR, found onto top of a desktop computer station, contained a folder named “DarkPlace.” Within that folder were hundreds of folders, with multiple levels of subfolders and files. In the main folder and the subfolders, CART discovered images and videos of child pornography, including videos of children as young as two years’ of age. The examination is still ongoing, however, FBI CART to this point has uncovered at least hundreds of images and videos of child pornography.

21. During a post-*Miranda* recorded interview, DERAWAY stated that he lived alone at The Residence with his pets. He stated he did not have friends or family. He advised he did not have regular visitors except for an ex-girlfriend who co-owns DERAWAY’s dog. DERAWAY confirmed that he uses the alias, “Nicholas Meenachan” so that other people would not look up his

real name and discover that he is a registered sex offender. DERAWAY confirmed having a previously and otherwise unknown email address nick@*****marketing.com that he used for work purposes and only at his place of employment. He said he was an account executive at ***** Marketing. When asked about information DERAWAY knew he was required to provide when he re-registered as a sex offender, DERAWAY said he provided his primary contact info (i.e., 754-***-8855 and nicholasderaway@gmail.com) as requested, but not secondary contact information if any. Regarding his digital devices, DERAWAY said that his phone and desktop computer were both protected by a passcode that DERAWAY provided to law enforcement.

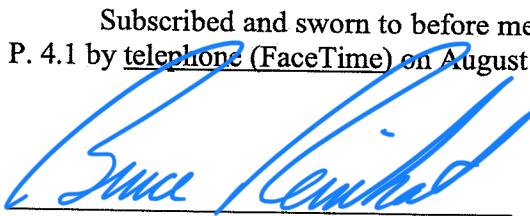
22. Based upon the foregoing facts, and my training and experience, I submit that there is probable cause to believe that Nicholas DERAWAY violated Title 18, United States Code, Section 2252A(a)(5)(B) and (b)(2) (possession of child pornography having previously been convicted of a federal violation of possession of child pornography), and has violated Title 18, United States Code, Section 2250(a) (failure of a sex offender to properly register) on the dates provided herein.

FURTHER YOUR AFFIANT SAYETH NAUGHT.



Gennady Julien
SPECIAL AGENT
FEDERAL BUREAU OF INVESTIGATION

Subscribed and sworn to before me in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone (FaceTime) on August 19, 2022.



BRUCE E. REINHART
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: Nicholas Deraway

Case No: 22-MJ-8369-BER

Count #1:

Possession of Child Pornography

18 U.S.C. § 2252A(a)(5)(B) and (b)(2)

- * **Max. Term of Imprisonment:** 20 years
- * **Mandatory Min. Term of Imprisonment (if applicable):** 10 years
- * **Max. Supervised Release:** Life (mandatory minimum term of 5 years)
- * **Max. Fine:** \$250,000 fine and a \$5,000 special assessment

Count #2:

Failure of a Sex Offender to Properly Register

18 U.S.C. § 2250(a)

- * **Max. Term of Imprisonment:** 10 years
- * **Mandatory Min. Term of Imprisonment (if applicable):** n/a
- * **Max. Supervised Release:** Life (mandatory minimum term of 5 years)
- * **Max. Fine:** \$250,000 fine and a \$5,000 special assessment

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NUMBER: 22-MJ-8369-BER

BOND RECOMMENDATION

DEFENDANT: Nicholas Deraway

PTD

(Personal Surety) (Corporate Surety) (Cash) (Pre-Trial Detention)

By:

Gregory Schiller
AUSA: Gregory Schiller

Last Known Address: _____

What Facility: _____

Agent(s):

FBI SA Sara Talley

(FBI) (SECRET SERVICE) (DEA) (IRS) (ICE) (OTHER)